

Introduced by Senator Galgiani
(Coauthor: Assembly Member Olsen)

February 21, 2013

An act to add Section 152.5 to the Welfare and Institutions Code, relating to personal property.

LEGISLATIVE COUNSEL'S DIGEST

SB 450, as introduced, Galgiani. Unattended collection boxes.

Existing law regulates the placement of unattended collection boxes and requires specified information, including the name, address, and telephone number of the collection box owner and operator, to be displayed on the front of each collection box. Existing law also requires a person or public or private entity that finds and takes possession of any personal property of another to inform the owner, if known, and return it.

This bill would authorize a city or county to provide, by ordinance or resolution, immunity from civil liability to a property owner, or his or her authorized agent, when the owner or agent removes a collection box placed on the owner's property if the ordinance or resolution includes specified provisions, including the requirement that the owner or agent send a written notice of removal to the address displayed on the collection box prior to removal. This bill would also provide that the ordinance or resolution shall include a provision providing that immunity from civil liability will not be granted to a property owner, or his or her agent, who removes the collection box when he or she has given written consent for the collection box to be placed on the property and the consent has not been rescinded, as specified, and a provision stating that a property owner, property owner's authorized agent, or person in lawful possession of private property who causes the removal

of a collection box, or otherwise disposes of it, despite valid written consent from the property owner or property owner's authorized agent at the time of removal, is civilly liable to the owner or operator of the collection box for 4 times the amount of the towing and storage charges, or \$1,000, whichever is more, unless removal is necessary to comply with local zoning ordinances.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 152.5 is added to the Welfare and
2 Institutions Code, to read:

3 152.5. Notwithstanding Section 2080 of the Civil Code, a city,
4 county, or city and county may, by ordinance or resolution, provide
5 immunity from civil liability to a private property owner, or his
6 or her authorized agent, who removes a collection box placed on
7 an owner's private property if the ordinance or resolution includes
8 all of the following provisions:

9 (a) A private property owner, or his or her agent, who causes
10 the removal of a collection box shall send a written notice of
11 removal to the address that is conspicuously displayed on the front
12 of every collection box pursuant to Section 151. That notice shall
13 be mailed within five days of removal and include the current
14 location of the box. This subdivision shall not apply if no address
15 appears on the front of the collection box.

16 (b) Except as provided in subdivision (c), a private property
17 owner, or his or her agent, shall not have immunity from civil
18 liability if he or she has given written consent for the collection
19 box to be placed on the private property.

20 (c) An owner of private property, or his or her agent, who has
21 given written consent for the placement of a collection box on the
22 owner's private property, may rescind his or her consent by
23 providing written notice of the rescission to the collection box
24 owner or operator. For purposes of this subdivision, consent shall
25 be deemed rescinded 10 calendar days after the owner of private
26 property deposits a written notice of rescission in the United States
27 mail, postage prepaid, addressed to the address displayed on the
28 collection box pursuant to Section 151.

1 (d) (1) A property owner, his or her agent, or a person in lawful
2 possession of private property who causes the removal of a
3 collection box to a storage facility, or otherwise disposes of a
4 collection box, despite valid written consent from the property
5 owner at the time of removal, shall be civilly liable to the owner
6 or operator of the collection box for four times the amount of the
7 towing and storage charges, or one thousand dollars (\$1,000),
8 whichever is higher.

9 (2) Paragraph (1) shall not apply to make a person liable for
10 removal of a collection box where removal is necessary to comply
11 with enforcement of applicable permitting, zoning, or other local
12 ordinances.

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